

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**IN RE: ETHICON, INC. PELVIC
REPAIR SYSTEM PRODUCTS
LIABILITY LITIGATION**

Master File No. 2:12-MD-02327

MDL No. 2327

THIS DOCUMENT RELATES TO:

**WAVE 1 CASES ATTACHED ON
EXHIBIT A**

JOSEPH R. GOODWIN

U.S. DISTRICT JUDGE

**PLAINTIFFS' MOTION¹ TO EXCLUDE CERTAIN TESTIMONY OF
TERESA IRWIN, M.D., PURSUANT TO FED. R. EVID. 702 AND DAUBERT**

Plaintiffs, pursuant to Fed. R. Evid. 702 and *Daubert*² move the Court to exclude certain opinions that Teresa Irwin, M.D., an expert for Defendants, has set forth in her general expert report and testified about in her deposition. In support of this motion, Plaintiffs say as follows:

1. Defendants have identified Teresa Irwin, M.D., as an expert witness in each of these cases.
2. Defendants have produced case specific reports for each plaintiff identified above prepared by Dr. Irwin.
3. In addition to the case specific reports, Defendants have also produced a general report by Dr. Irwin concerning the Gynecare TVT Retropubic sling.
4. Dr. Irwin's general report expresses opinions that exceed the scope of Dr. Irwin's expertise. In her reports, Dr. Irwin opines on matters involving pelvic mesh design, pore size,

¹ In compliance with PTO No. 217, attached to this Motion as Exhibit A is a list of cases to which this Motion applies.

² *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993).

weave, density, absorption, biocompatibility, biomaterials issues, allograft preparation, “state of the art” of pelvic mesh, pelvic mesh fraying and degradation.

5. Under Fed. R. Civ. P. 702 and *Daubert*, Dr. Irwin is not qualified to testify about the matters set forth in paragraph 4 because she does not have the necessary education, training or experience in these matters.

6. Plaintiffs are filing a separate memorandum and exhibits in support of this motion.

7. The individual Plaintiffs reserve the right to file a separate motion relating to Dr. Irwin’s case specific opinions in their respective cases.

Plaintiff respectfully requests that the Court enter an order excluding Dr. Irwin’s testimony on matters discussed in paragraph 4.

This 21st day of April, 2016.

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CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ P. Leigh O'Dell
Attorney for Plaintiffs